




## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

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<b>GRADED SANCTIONS</b>	<b>112.10</b>	<b>12/31/2012</b>	<b>1 of 3</b>
APPROVED BY:  Director	SUPERSEDES  <b>112.10</b>	ORIGINAL ISSUE DATE  <b>07/31/2009</b>	DISTRIBUTION LEVEL  <b>2</b>

### PURPOSE

- 1.1 To notify Los Angeles County-Department of Mental Health (LAC-DMH or Department) employees, volunteers, contracted individuals, and entities of consequences for violations of any and all applicable federal, State, and County (including LAC-DMH) statutes, rules, regulations, policies, and procedures.

### DEFINITIONS

- 2.1 **Contractor:** Any entity or person whose services are contracted for by the County of Los Angeles to provide services to LAC-DMH, including locum tenens.
- 2.2 **LAC-DMH Employee:** Any person currently employed and holding a paid position in LAC-DMH.
- 2.3 **LAC-DMH Volunteer:** Any person who is recognized as working on behalf of the LAC-DMH but is not holding a paid position (See Reference 1).
- 2.4 **Graded Sanctions:** A method that allows for progressive degrees of disciplinary actions that may be imposed upon a subject for failing to comply with federal, State, and County (including LAC-DMH) statutes, rules, regulations, policies, and procedures.
- 2.5 **Non-Compliant Act:** Commission of any act, including the failure to report or detect any act that is not in accordance with federal, State, and County (including LAC-DMH) statutes, rules, regulations, policies, and procedures.



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### **POLICY**

- 3.1 Graded Sanctions will be imposed on an individual who has committed a substantiated non-compliant act or acts or has failed to report such acts.
- 3.2 In situations the Director or his/her designee deems a non-compliant act to be so egregious that it poses an immediate risk to LAC-DMH or one of its stakeholders, Graded Sanctions may be replaced by sanctions deemed more appropriate to the situation.

### **PROCEDURE**

#### **4.1 Graded Sanctions for LAC-DMH Employees:**

Graded Sanctions shall be imposed in accordance with the provisions of DMH Policy No. 605.01, Discipline. (Please note the Procedures outlined in subparagraphs 4.1-4.15, which address factors to consider in deciding on appropriate discipline, including Progressive and Non-Progressive Discipline.)

4.1.1 Graded Sanctions apply to three (3) separate and distinct groups: LAC-DMH employees, non-paid LAC-DMH employees (includes volunteers and interns), and contractors. Graded Sanctions are utilized when any of the following exist: confirmation of a non-compliant act or acts and a confirmation of a subject's culpability in such acts.

4.1.2 LAC-DMH Human Resources Bureau will be involved in any situation in which Graded Sanctions for LAC-DMH employees are considered. Subjects under consideration for Graded Sanctions must be afforded due process and be advised of their appeal rights.

#### **4.2 Graded Sanctions for Non-Paid LAC-DMH Employees (Volunteers):**

Graded Sanctions shall be applied to volunteers except when in conflict with the provisions noted in DMH No. Policy 600.11, Volunteers, subparagraphs 7.4-7.5, which call for immediate dismissal when specified actions are taken by the volunteer or at the discretion of the Department. The Graded Sanctions shall include an initial warning, reprimand, suspension, and eventual discharge from the position.



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### 4.3 **Graded Sanctions for Contractors:**

Graded Sanctions shall be applied as recommended by the LAC-DMH Executive Management Team/Compliance Program Steering Committee and approved by the County Counsel. Some of the provisions may include, but not be limited to: Suspension of Payments, reporting of non-compliance to enforcement agencies and the Contractor's Board of Directors, and when all other options have been exhausted, termination of the contract as outlined in the contract providers' respective agreement with the County of Los Angeles.

### **AUTHORITY**

1. Code of Federal Regulations, Title 42, Section 438.608, Program Integrity requirements
2. Department of Mental Health Legal Entity Agreement

### **REFERENCE**

1. DMH Policy 600.11, Volunteers
2. DMH Policy 605.01, Discipline

### **RESPONSIBLE PARTY**

LAC-DMH Office of the Compliance Officer